

City Council Introduction: **Monday**, April 2, 2001  
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01R-73

## **FACTSHEET**

**TITLE:** **PRELIMINARY PLAT NO. 00013, ASPEN RIDGE (as revised)**, requested by Ross Engineering, Inc. on behalf of Aspen Builders, Inc., for 63 lots and 3 outlots, with requests to waive block length, minimum lot depth and pedestrian way easement, on property generally located at S.W. 27<sup>th</sup> Street and West "A" Street.

**STAFF RECOMMENDATION:** Conditional Approval.

**ASSOCIATED REQUEST:** Change of Zone No. 3258 (01-58) and Change of Zone No. 3303 (01-59).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission

Public Hearing: 02/07/01

Administrative Action: 02/07/01

**RECOMMENDATION:** Conditional Approval (8-0: Duvall, Steward, Newman Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn absent).

### **FINDINGS OF FACT:**

1. This revised Preliminary Plat was heard by the Planning Commission in association with Change of Zone No. 3303 on February 7, 2001. The associated Change of Zone No. 3258 was heard by the Planning Commission in association with the original Aspen Ridge Preliminary Plat on October 18, 2000.
2. The Planning staff recommendation of conditional approval, including approval of the requested waivers, is based upon the "Analysis" as set forth on p.7-9.
3. This application was placed on the Consent Agenda of the Planning Commission on February 7, 2001, and opened for public hearing. No one came forward to speak.
4. On February 7, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated January 24, 2001.
5. On February 8, 2001, a letter reflecting the action of the Planning Commission and the conditions of approval was mailed to the applicant (p.2-5).
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been completed by the applicant and approved by the reviewing departments.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 26, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 26, 2001

**REFERENCE NUMBER:** FS\CC\FSP00013

February 8, 2001

Ross Engineering  
Tom Cajka  
645 "M" St., Ste. 201  
Lincoln NE 68508

Re: Preliminary Plat No. 00013  
ASPEN RIDGE

Dear Mr. Cajka:

At its regular meeting on Wednesday, **February 7, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Aspen Ridge**, located in the general vicinity of **SW. 27<sup>th</sup> & "A" St.**, subject to the following conditions:

Site Specific:

- 1 After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Revise "Note 1" , as Outlot C is no longer in the Airport Environs District, the Planning Department has not reviewed any potential changes to a commercial zoning designation.
    - 1.1.2 Provide the dimensions for Lot 20, Block 5.
    - 1.1.3 Show the location of the 70Ldn noise contour as it traverses the plat.
    - 1.1.4 Revise the future lot layout shown in Outlot C to show residential lots east of the 70 Ldn noise contour line and non-residential lots west of the 70 Ldn noise contour line, fronting upon S.W. 27<sup>th</sup> Street. The eastern boundary of the non-residential lots shall not be further east than the eastern most point of the 70 Lnd contour. The cul-de-sac of W. Garfield Place will need to be shortened, with appropriate adjustments made to the lots fronting W. Garfield Place.
    - 1.1.5 Revise all sheets submitted with the plat to be consistent with the site plan.
    - 1.1.6 Provide the easements requested by LES.

- 1.1.7 Show a 12" water main in S.W. 27<sup>th</sup> Street.
- 1.1.8 Provide an agreement from the developer stating that the final design of the detention area and the final design of the outlet structures will be provided prior to final grading, and prior to platting any lots adjacent to the detention area.

2. The City Council approves associated request:

- 2.1 Change of Zone #3258 and Change of Zone #3303, AGR to R-3
- 2.2 A modification to the requirements of Section 26.23.130 of the land subdivision ordinance to allow block lengths over 1,320 feet for the north side of W. Washington Street.
- 2.3 A modification to the requirements of Section 26.23.140(a) of the Land Subdivision Ordinance to allow a minimum lot depth of less than 90 feet for Lots1 & 2, Block 4.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
  - 3.2.1 To submit to the Director of Public Works an erosion control plan.
  - 3.2.2 To protect the remaining trees on the site during construction and development.
  - 3.2.3 To provide the final design of the detention area and the design of the outlet structures prior to grading and prior to platting any lots adjacent to the detention structure.
  - 3.2.4 To pay all improvement costs.
  - 3.2.5 To submit to lot buyers and home builders a copy of the soil analysis.
  - 3.2.6 To continuously and regularly maintain street trees and landscape screens.

- 3.2.7 To complete the private improvements shown on the preliminary plat development.
- 3.2.8 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.3 An avigation and noise easement, satisfactory to the Lincoln Airport Authority, has been filed with the Register of Deeds.
- 3.4 The developer has provided proof of an easement for the sanitary sewer outside of this plat.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

Russell J. Bayer, Chair  
City-County Planning Commission

cc: Owner  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department  
Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
City Clerk  
File (2)

## **LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT**

**P.A.S.#:** Aspen Ridge  
Preliminary Plat #00013

**Date:** January 24, 2001

### **\*\*\*Revised Report based on proposed changes to the initial proposal\*\*\***

**PROPOSAL:** Tom Cajka of Ross Engineering has applied for Preliminary Plat #00013, Aspen Ridge, consisting of 63 lots and 3 outlots in the area generally located at S.W 27<sup>th</sup> Street and West A Street with requests for waivers or variations from:

- 1) Section 26.23.130 to allow block lengths over 1,320 feet for the north side of W. Washington Street.
- 2) Section 26.23.140(a) requiring a minimum lot depth of 90 feet for Lots 3 & 4, Block 4.
- 3) Section 26.23.125 requiring pedestrian ways in blocks that exceed 1,000 feet.

### **GENERAL INFORMATION:**

**APPLICANT:** Tom Cajka  
Ross Engineering  
645 M Street, Ste 201  
Lincoln, NE 68508  
(402) 474-7677

**OWNER  
& DEVELOPER:** Bob Benes  
Aspen Builders, Inc  
4740 Linden Street  
Lincoln, NE 68516  
(402) 484-6868

**LOCATION:** S.W. 27<sup>th</sup> and W. A Streets

**LEGAL DESCRIPTION:** Lot 102 I.T. located in the Northwest Quarter of Section 33, T10N, R6E,  
Lincoln, Lancaster County, Nebraska

**EXISTING ZONING:** AGR, Agricultural Residential

**SIZE:** 18.62 acres, more or less

**EXISTING LAND USE:** Agricultural Residential and former Christmas tree farm

**SURROUNDING LAND USE AND ZONING:** Zoned AGR, Agricultural Residential with single family residences to the north; zoned R-2 residential with single family uses to the east; zoned AGR, Agricultural Residential with farm land to the south; zoned AGR, Agricultural Residential and H-4, Highway Commercial District to the west with single family residential uses and vacant ground.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Urban Residential in the 1994 Lincoln-Lancaster County Comprehensive Plan.

**HISTORY:** Changed from AA Rural and Public Use District to AGR Agricultural Residential District with the 1979 zoning update.

Preliminary Plat #00013, Aspen Ridge consisting of 59 residential lots and 3 outlots was approved by the Planning Commission on October 18, 2000.

The Planning Commission recommended approval to Change of Zone #3258 from AGR to R-3 over the eastern portion of the proposed preliminary plat on October 18, 2000.

A change of zone to H-4 was originally proposed over the western quarter of the site, however the request has since been withdrawn.

Change of Zone #3303 from AGR to R-3 on the northwestern portion of the plat is associated with this revised preliminary plat.

#### **UTILITIES & SERVICES:**

- A. Sanitary Sewer: The Public Works Department noted that the construction of the sanitary sewer to serve this plat requires sewer outside the area of this plat. Proof of an easement should be required before approval of any final plat.
- B. Water: The Public Works Department noted that the water main in S.W. 27<sup>th</sup> Street should be shown as a 12" main rather than a 6" main.
- C. Streets: S.W. 27<sup>th</sup> Street is required to be paved with this plat. Sidewalks are required along S.W. 27<sup>th</sup> Street. The Public Works Department recommends approval of a waiver of the block length requirement along the north side of W. Washington Street.
- D. Drainage & Grading: The Public Works Department noted that revised grading and drainage information is satisfactory.
- E. Schools: This property is in the Lincoln Public School district. Roper elementary school is southeast of this site. The Lincoln Public Schools noted a concern with the cul-de-sac shown for potential future layout in "Outlot C". The length of the drive and future cul-de-sac could present a problem for school buses to turn around.

## **ANALYSIS:**

1. This is a request for a Preliminary Plat consisting of 63 residential lots and 3 outlots. The proposal reflects the addition of 4 residential lots. This proposal represents a substantial change over the preliminary plat approved by the Planning Commission on October 18, 2000, warranting a new review by the Planning Commission.
2. The proposal is associated with Change of Zone #3303 from AGR Agricultural Residential to R-3 Residential. The Planning Commission recommended approval to Change of Zone #3258, from AGR Agricultural Residential to R-3 Residential on October 18, 2000. These items will have a public hearing in front of the City Council at the same time.
3. The area of the 4 additional residential lots was originally shown as one large outlot. W. Washington Street was required to go through to S.W. 27<sup>th</sup> Street. The parcel north of W. Washington Street was smaller than the 3 acres required in the AGR zoning district.
4. There is an existing dwelling on the property that is non-conforming with respect to its location within the 70Ldn noise contour. Dwellings are not permitted above the 70 Ldn noise contour. The proposed changes would allow the non-conforming dwelling to remain, and would allow the addition of 3 conforming, buildable lots in an area below the 70 Ldn noise contour.
5. The location of the entire 70Ldn noise contour should be shown on the preliminary plat. Additionally, the source of the information should be provided in a note.
6. The dimensions of Lot 20, Block 5, the area of the non-conforming house, should be shown. The 70Ldn line must be fully within this lot.
7. The western quarter of the site was in the Airport Environs District 2 at the time the Planning Commission originally approved the preliminary plat. That district has since been eliminated.
8. The area south of W. Washington Street is still shown within an outlot, with a schematic for future residential development. The western portion of that outlot is within the 70Ldn noise contour, and cannot be used for residential uses.
9. The Comprehensive Plan shows the area for residential uses.
10. The applicant has indicated that they may apply for a commercial zoning district on the outlot in the future. Approval of this preliminary plat does not constitute a review or approval of any other potential zoning district.
11. An avigation and noise easement has been submitted by the applicant for review by the Airport Authority. The easement will be required to be filed with the Register of Deeds prior to scheduling final plats on the Planning Commission agenda.



12. The Planning Commission recommended approval to a waiver of the requirement to allow the block length along the north side of W. Washington Street to exceed 1,320 feet on October 18, 2000. The area immediately north of the proposed plat is developed with acreage residential development. The size and depth of the existing lots to the north make it unlikely that any would be developed in a way to accommodate a road connection to the south in the future. The Public Works Department recommended approval to the waiver.
13. The Lincoln Public Schools objected to a potential cul-de-sac in W. Garfield Street. Although the cul-de-sac layout is not a part of this preliminary plat, the proposed outlots C and D that terminate the streets are a part of the plat. The plat should be revised to reflect a different outlot configuration with the streets going through.
14. Sidewalks are now shown in S.W. 27<sup>th</sup> Street.
15. The Parks and Recreation Department previously noted that the mature row of pines along S.W. 27<sup>th</sup> Street are to remain and that there is not room for additional street trees.
16. The Planning Commission recommended approval to a waiver of the pedestrian way easement required on the north side of W. Washington. Section 26.23.125 requires pedestrian ways in blocks that exceed 1,000 feet. A pedestrian way easement would only go into an existing back yard.
17. The Public Works Department previously noted that the lots upstream of A Street in this plat need to be graded to be protected from headwater. The plat has been satisfactorily revised.
18. The Public Works Department previously noted that the minimum opening elevations for lots upstream of Washington Street must be designed to be above the low point in Washington Street since Washington Street serves as the emergency overflow for the detention. The plat has been satisfactorily revised.
19. The dimensions and lot area for Lots 1-5, Block 4 have been satisfactorily revised.
20. The configuration of Lot 5, Block 4 has been revised.
21. The lot and block numbering shown for the initially proposed Block 3 was revised to reflect two separate blocks.
22. The plat was revised to show the existing structures, septic tanks and wells.

**STAFF RECOMMENDATION:**

Conditional Approval of the Preliminary Plat

Approval of the waiver of block length for the north side of W. Washington Street.

Approval of a waiver of lot depth for Lots 1&2, Block 4

Approval of the waiver for a pedestrian way easement in Block 4.

## CONDITIONS:

### Site Specific:

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    - 1.1.7 Show a 12" water main in S.W. 27<sup>th</sup> Street.
    - 1.1.8 Provide an agreement from the developer stating that the final design of the detention area and the final design of the outlet structures will be provided prior to final grading, and prior to platting any lots adjacent to the detention area.
2. The City Council approves associated request:
  - 2.1 Change of Zone #3258 and Change of Zone #3303, AGR to R-3
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- 3.2.5 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.2.6 To continuously and regularly maintain street trees and landscape screens.
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- 3.2.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

- 3.3 An aviation and noise easement, satisfactory to the Lincoln Airport Authority, has been filed with the Register of Deeds.
- 3.4 The developer has provided proof of an easement for the sanitary sewer outside of this plat.

Prepared by:

Jennifer L. Dam, AICP  
Planner

**PRELIMINARY PLAT NO. 00013  
ASPEN RIDGE**

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

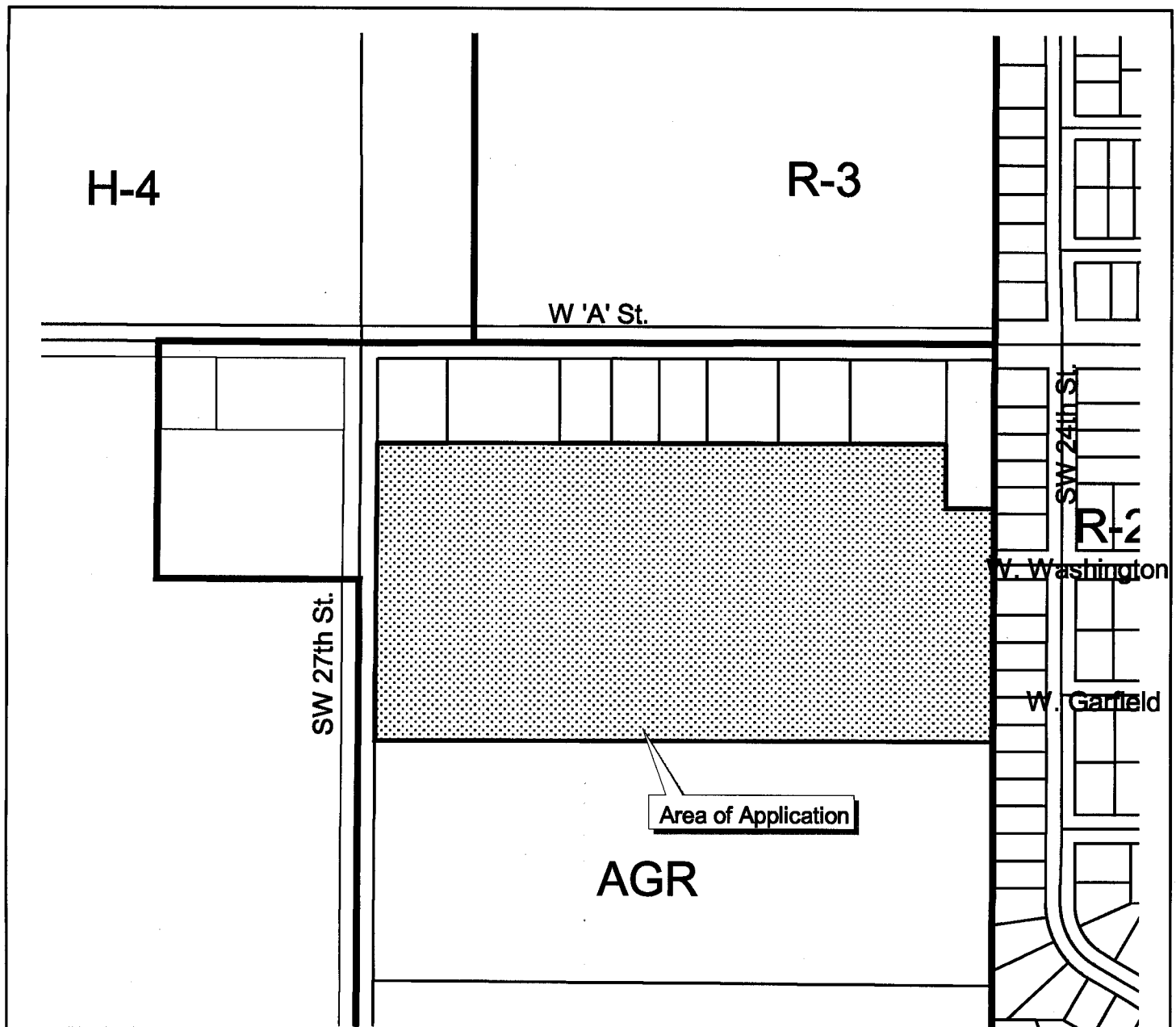
February 7, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Steward and Taylor; Schwinn absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3303;**  
**PRELIMINARY PLAT NO. 00013, ASPEN RIDGE;** and **STREET & ALLEY VACATION NO. 01001.**

Street Vacation No. 01001 was removed from the Consent Agenda at the request of the applicant and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Hunter and carried 8-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Steward and Taylor voting 'yes'; Schwinn absent.

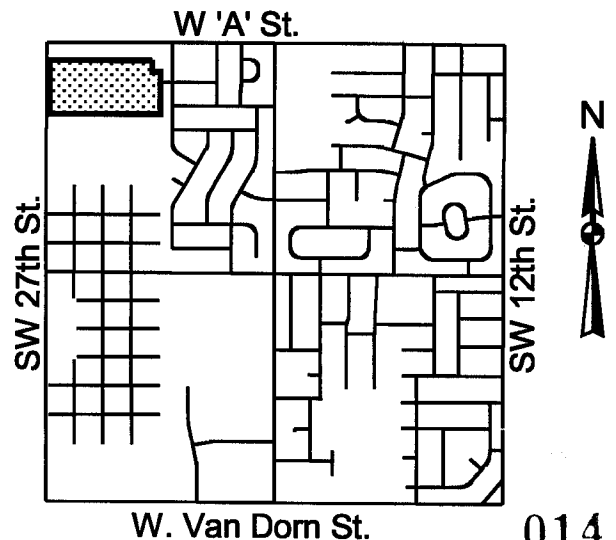
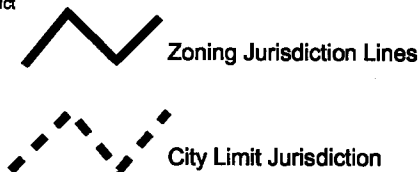


**Preliminary Plat #00013**  
**Aspen Ridge**  
**SW 24th & W 'A' St.**

**Zoning:**

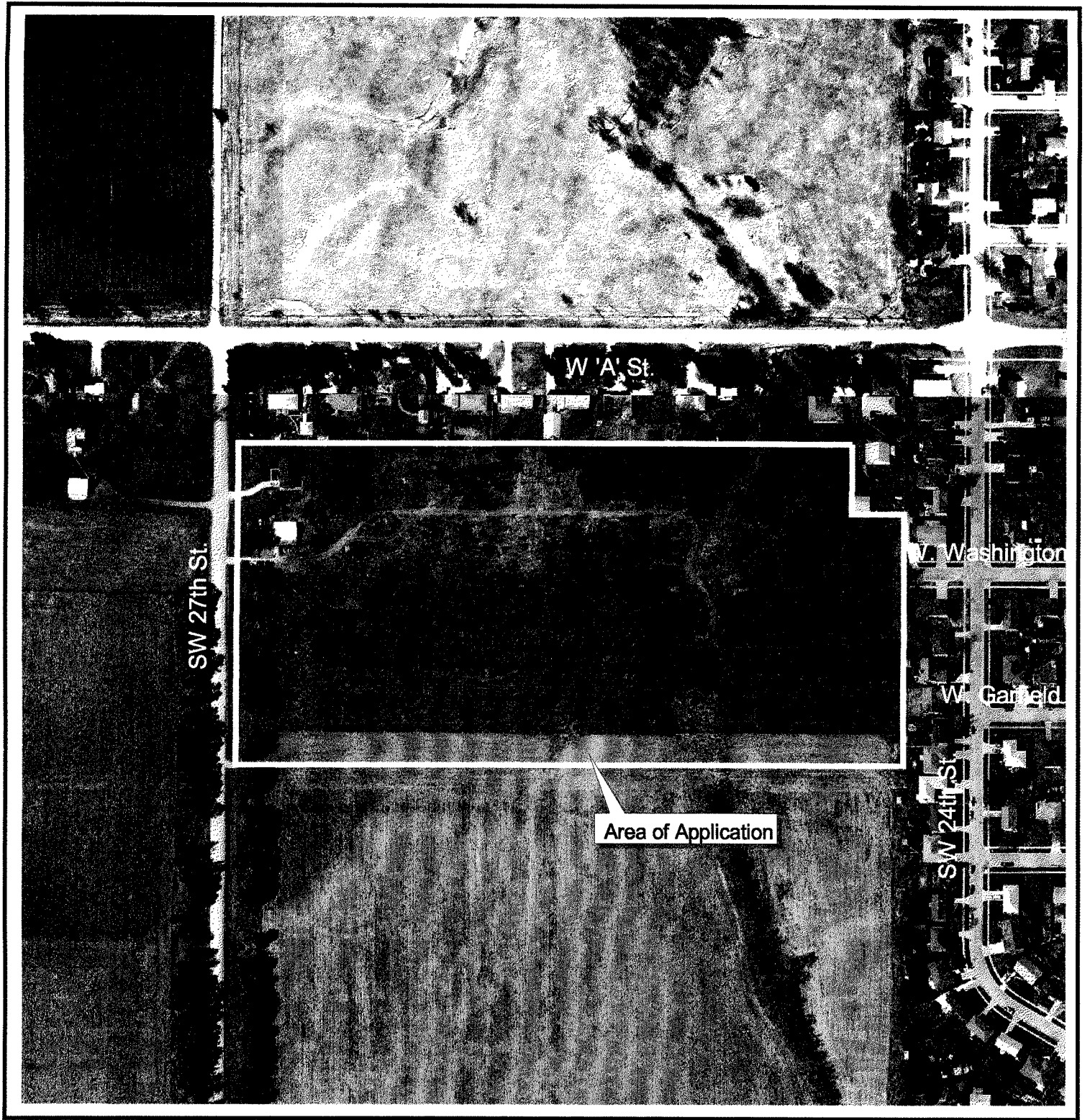
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 33 T10N R6E



Sheet \_\_\_ of \_\_\_  
 Date:

Lincoln City - Lancaster County Planning Dept.



**Preliminary Plat #00013**  
**Aspen Ridge**  
**SW 24th & W 'A' St.**

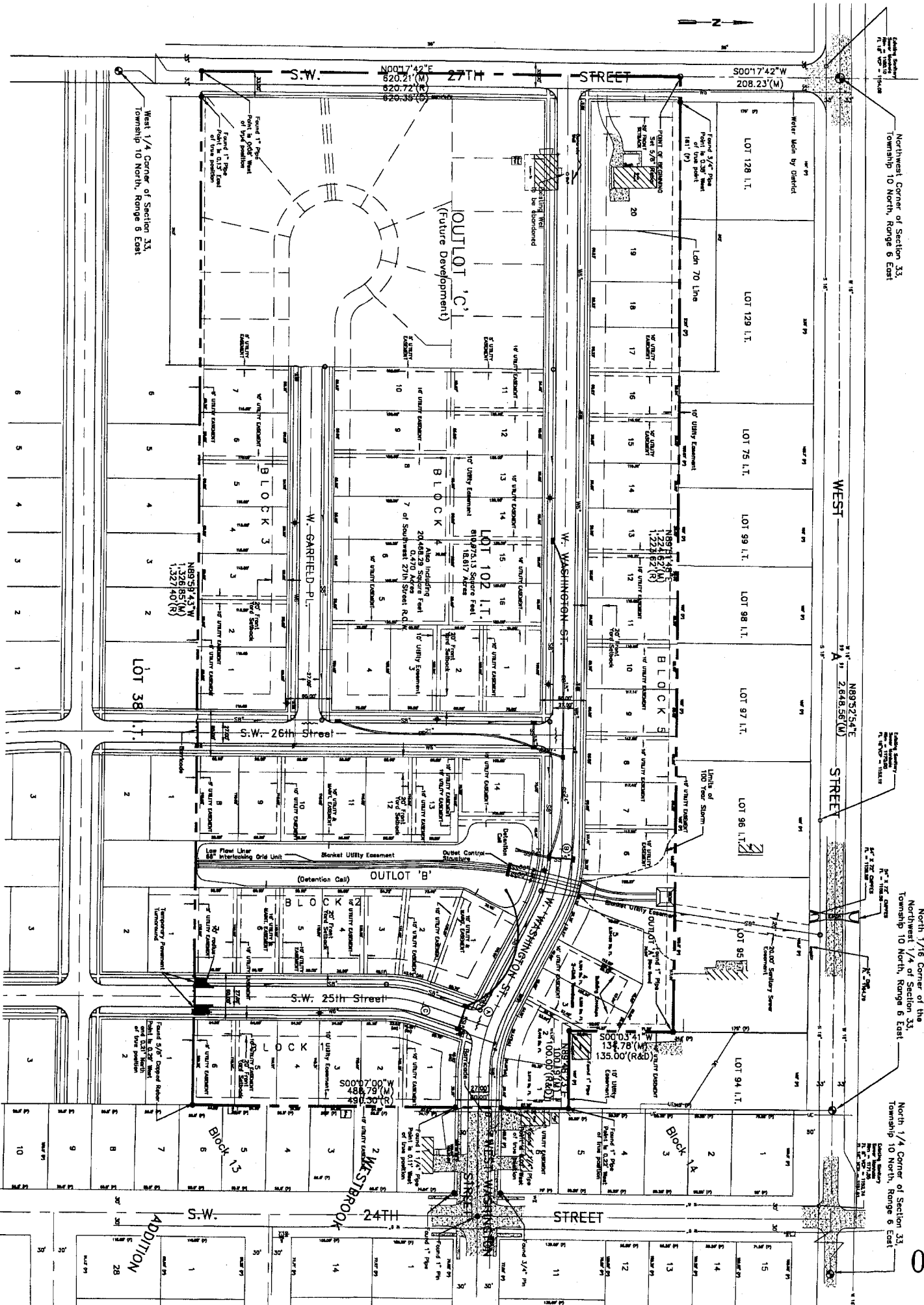


Sheet \_\_\_\_\_ of \_\_\_\_\_

Date: \_\_\_\_\_ **015**

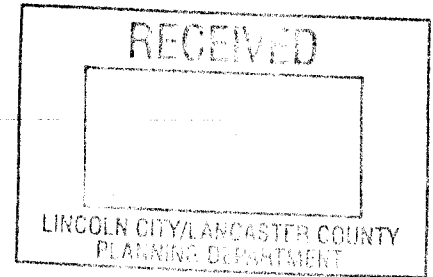
Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.





# M e m o r a n d u m



**To:** Jennifer Dam, Planning Department

**From:** *Dennis Bartels*, Public Works & Utilities

**Subject:** Aspen Ridge Preliminary Plat

**Date:** December 22, 2000

**cc:** Allan Abbott, Roger Figard, Nicole Fleck-Tooze

Public Works has reviewed the revised preliminary plat Aspen Ridge located west of SW27th south of West 'A' and has the following comments:

1. The plan lists minimum building openings for Block 4, Lots 5 and 6. It appears that these opening elevations are for Block 5, Lots 5 and 6. No headwater calculations are provided for the 'A' Street culvert to document how these elevations were established.
2. The developer must agree with approval of the plat, to provide final design calculations, outlet control structure design, and final grading plans prior to final grading. This is shown on the Notes on Sheet 1 of 10.

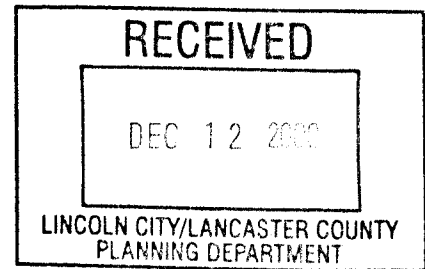
MEMORANDUM

DATE: 12/08/00

TO: Jennifer Dam - Planning

FROM: Dennis Duckworth

REG: Aspen Ridge P/P # 00013



Jennifer:

The Police Department has no problems with the Aspen Ridge Special Permit for Preliminary Plat.

Thank you,

A handwritten signature in cursive script that reads "Dennis Duckworth".

Sergeant Dennis Duckworth



"DENNIS D.  
BARTELS"

<DBARTELS@LANCJ  
ES2.ci.lincoln.ne.us>

To: <JDAM@CI.LINCOLN.NE.US>

CC:

Subject: Aspen Ridge

10/06/2000 04:21 PM

I have reviewed the revised phasing plan for Aspen Ridge. The phasing plan is satisfactory if the first phase includes construction of the culvert beneath Washington Street. If the intent is to postpone the culvert construction, it will be necessary to eliminate Lot 5, Block 4 from the first phase. The fill needed to build Washington to the limit of Lot 5 will infringe upon the drainage channel.

**interoffice**  
M E M O R A N D U M

**to:** Jennifer Dam, Planning  
**from:** Rachel Martin, Parks and Recreation  
**subject:** Aspen Ridge  
**date:** December 5, 2000

Parks and Recreation Department staff have reviewed the above referenced proposal and have the following comments.

- 1) The changes shown in the revised plans satisfy the comments in the memo of September 26, 2000. Parks and recreation has no additional comments.

Please phone me at 441-7936 with any questions or comments.

*Rachel*



"Dennis L. ROTH"  
<DROTH@LANCJES2  
.ci.lincoln.ne.us>

To: <JDAM@CI.LINCOLN.NE.US>  
cc:  
Subject: Aspen Ridge P/P

12/06/2000 12:50 PM

PROJECT NAME: Aspen Ridge  
PROJECT NMBR: 00013  
PROJ PLANNER: Jennifer Dam  
PROJECT DATE: 113000

Find no similar sounding names within our geobase for the streets proposed in this project, other than those which are an obvious extension of an existing street.

W Washington Pl does appear BUT the difference in block ranges will keep their locations unique.

Dennis L "Denny" Roth  
Emergency Communications 911 Center  
ESD II/CAD Admin

# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF00023**

Address

Job Description: **ASPEN RIDGE**

Location: **ASPEN RIDGE**

Special Permit: **N**

Preliminary Plat **Y 00013**

Use Permit: **N**

CUP/PUD: **N**

Requested By **JENNIFER DAM**

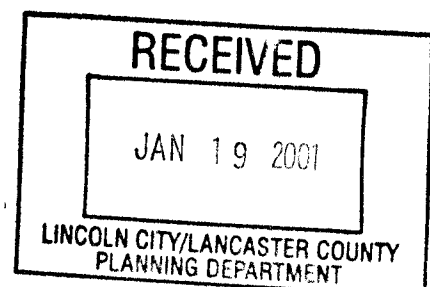
Status of Review **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE** **BOB FIEDLER**

Comments:

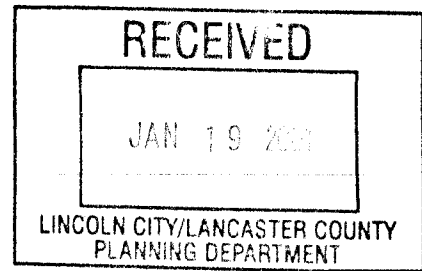
### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



022

# M e m o r a n d u m



**To:** Jennifer Dam, Planning Department

**From:** Dennis Bartels, Public Works & Utilities

**Subject:** Aspen Ridge Preliminary Plat

**Date:** January 18, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

The Aspen Ridge Preliminary Plat has been reviewed by Engineering Services with the following comments:

1. The water main is SW 27<sup>th</sup> should be shown as a 12" main rather than a 6" as shown.
2. The drainage and detention information as revised is satisfactory.
3. The sewer to serve this plat must be built across private property outside this plat. Proof of an easement should be required before approval of any final plat.